

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA]	
]	
v.]	No. 19-cr-142-LM
]	
NATHAN CRAIGUE]	

DEFENDANT’S PROPOSED JURY INSTRUCTIONS

Pursuant to Federal Rule of Criminal Procedure 30 and Local Criminal Rule 30.1, Nathan Craigue respectfully requests that the Court include the following in its jury instructions.

Respectfully submitted,

/s/ Behzad Mirhashem

Behzad Mirhashem

N.H. Bar #10031

CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2021 the above document was served electronically upon all counsel of record through the CM/ECF filing system.

/s/ Behzad Mirhashem

Behzad Mirhashem

STATEMENTS OF THE DEFENDANT

You have heard evidence that Mr. Craigue made unrecorded oral statements to government agents.

It is for you to decide (1) whether Mr. Craigue made a statement, and (2) if so, how much weight to give it. You should consider all of the evidence about a statement, including the circumstances under which a statement may have been made.

When the prosecution introduces evidence of a defendant's oral statement without any recording of the questions asked and the answers given, you should exercise great caution and care in weighing the testimony about what the defendant is alleged to have stated.

See First Circuit Pattern Instructions – 2.11 Statements by Defendant. *See also* *Commonwealth v. DiGiambattista*, 442 Mass. 423, 447-449 (2004). *Cf. United States v. Poutre*, 646 F.2d 685, 688 (1st Cir. 1980).

JURY UNANIMITY

Your verdict must be unanimous. This means that, for you to return a guilty verdict, you must all agree that the government has proved each and every element of the charged crime beyond a reasonable doubt.

Before you may return a guilty verdict, all twelve of you must also agree either that, as to Mr. McKenna, Mr. Craigue's alleged statement proves each and every element of the charged crime beyond a reasonable doubt, or that, as to Mr. Ford, Mr. Craigue's alleged statement proves each and every element of the charged crime, or that as to both McKenna and Mr. Ford, Mr. Craigue's alleged statement proves each and every element of the charged crime.

See United States v. Gonzalez, 786 F.3d 714, 717 (9th Cir. 2015) ("a general unanimity instruction alone is insufficient if it appears that there is a genuine possibility of jury confusion or that a conviction may occur as the result of different jurors concluding that the defendant committed different acts.") (internal quotation marks omitted).